

Application Serial No. 10/712,401

### **Remarks/Arguments**

In the February 16, 2005 Office Action, the Examiner rejected claims 1-20 pending in the application. Claims 1, 8 and 17 have been amended and claims 13-16 have been canceled. After the above amendments, claims 1-12 and 17-20 (3 independent claims; 16 total claims) remain pending in the application. Applicant requests reconsideration in view of the above amendment and the following remarks.

#### **§112 Rejections**

Claims 13-16 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants have canceled claims 13-16 and therefore request the § 112 rejection be withdrawn.

#### **§ 102 Rejections**

Claims 1-3, 5, 8, 9, 11, 12 and 17-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Desboilles et al. (5,184,823). The Office Action states that Desboilles discloses "a body having a body frame structure defining an outer surface of the golf club head and encompassing a filler matrix in contact with an inner surface of the body frame structure...." Applicants strongly disagree.

However, Desboilles does not disclose each and every element of the claims as presently recited. More particularly, Desboilles discloses a club head with an internal cavity completely (or for practical purposes, completely) filled with filling material without discontinuity—the filling material in the club head is not hollow as presently claimed.

In contrast, amended claims 1, 8 and 17 recite the "inner surface of said filler matrix defines a cavity." The filler matrix is formed inside the body frame structure leaving the interior cavity of the club hollow. As such, Desboilles does not disclose each and every element of the present claims.

Accordingly, Applicant requests withdrawal of § 102 rejections of claim 1, 8 and 17 and claims 2-3, 5, 9, 11, 12 and 18-20 which depend therefrom.

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Claims 13 and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Anderson (5,720,673). Applicants have canceled claims 13 and 14 and therefore request the § 102 rejection be withdrawn as obviated.

### **§ 103 Rejections**

Claims 4, 6, 7 and 10 stand variously rejected under 35 U.S.C. § 103(a) as being unpatentable over Desboilles (5,184,823) et al. in view of Anderson (5,720,673) and McCabe (6,533,679). Applicants traverse.

The Office Action states numerous rejections with respect to the obviousness of the claimed invention. However, none of the combinations result in a club which is a body combination comprising a body frame and a hollow filler matrix, a faceplate, or a tuning weight as claimed. Furthermore, there is no motivation or suggestion to combine the references and apply them to the presently amended claims as posited by the Office Action. Rather, as the combination is simply an impermissible hindsight reconstruction.

First, as stated above, Desboilles does not teach each and every element as presently recited. Desboilles discloses a club head with filling material without discontinuity—in other words, a solid matrix. In this regard, putting aside the propriety of combining Desboilles with any of the prior art or cited references, modifying Desboilles with the teachings of the cited prior art still does not result in a club which is a body combination comprising a body frame structure and a hollow filler matrix, a faceplate, or a tuning weight as claimed.

Moreover, with regard to claims 4 and 10, while Anderson may disclose various methods for attaching faceplates to a club head body, Anderson does not disclose a fastening mechanism for removable and re-attachable faceplates that are attached to a body frame structure with a hollow filler matrix. As such, combining Anderson with Desboilles does not teach each and every element of the claims.

With regard to claims 6 and 7, McCabe discloses an adjustable weight wherein the weight member is adjusted by the filler material surrounding it. Stated otherwise, the filler material and weight member work in communication with each other to provide an adjustable center of gravity. Thus, even when improperly combining Desboilles with McCabe, a club with a tuning weight supported and adjustable by filler material still results.

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In contrast, amended claim 1 recites that the "inner surface of said filler matrix defines a cavity." Claims 6 and 7 recite respectively, a "tuning weight provides for an adjustable center of gravity" and a "tuning weight provides for an adjustable moment of inertia," thus resulting in a club head with a hollow filler matrix and a tuning weight with an adjustable center of gravity and/or moment of inertia. The resulting claims thus recite a club head which is not adjustable by adjusting the filler matrix. As such, no combination of Desboilles with McCabe teaches or suggests each and every element of the claims. Accordingly, Applicants respectfully request that the § 103 rejections be withdrawn.

Claims 15 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson (5,720,673) in view of Desboilles et al. (5,184,823). Applicants have canceled claims 15 and 16 and therefore request the § 103 rejection be withdrawn as obviated.

**CONCLUSION**

In view of the above remarks and amendments, Applicants respectfully submit that all of the currently pending claims 1-12 and 17-20 properly set forth that which Applicant regards as his invention and are allowable over the cited prior art.

Accordingly, Applicant respectfully requests reconsideration and allowance of all pending claims. The Examiner is invited to telephone the undersigned at (602) 382-6337 at the Examiner's convenience, if that would help further prosecution of the subject Application. Applicant authorizes and respectfully requests that any fees due be charged to Deposit Account No. 19-2814. **This statement does NOT authorize charge of the issue fee.**

Respectfully submitted,

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